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AMENDED IN ASSEMBLY MAY 1, 2001

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

ASSEMBLY BILL

No. 885

**Introduced by Assembly Member Daucher
(Coauthor: Assembly Member Wyland)**

February 22, 2001

An act to add and repeal Section 46300.8 ~~to~~ *of* the Education Code, relating to public schools.

LEGISLATIVE COUNSEL'S DIGEST

AB 885, as amended, Daucher. Average daily attendance: Internet classroom.

Existing law prescribes the method for computing average daily attendance of pupils under the direct supervision, as defined, of school district personnel for the purpose of determining school district apportionments.

This bill would, notwithstanding any provision of law, for the purposes of an online classroom program conducted over the Internet, as defined, in a secondary school, include as “immediate supervision,” pupil participation in an online asynchronous interactive curriculum, as defined, provided by certificated school personnel, ~~and~~ would require schools that provide an online asynchronous interactive curriculum to meet certain requirements *apply to the State Department of Education for participation in this program, limit total participation in the program to 40 schoolsites, and restrict any one school district under the program to no more than 5 schoolsites.* The bill would permit courses other than high school courses to be eligible for online classroom programs ~~only~~ pursuant *only* to a waiver from the State Board of Education.

This bill would repeal these provisions on January 1, ~~2008~~ 2006.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares all of the
2 following:

3 (a) California suffers from a shortage of teachers.

4 (b) Many schools are unable to provide advanced placement
5 courses to their pupils.

6 (c) Many schools have difficulty providing courses in
7 hard-to-staff subject areas.

8 (d) California has a diverse pupil population of varying
9 learning styles.

10 SEC. 2. Section 46300.8 is added to the Education Code, to
11 read:

12 46300.8. (a) (1) Notwithstanding any other provision of
13 law, for the purposes of an online classroom program conducted
14 over the Internet in a secondary school, “immediate supervision”
15 includes pupil participation in an online asynchronous interactive
16 curriculum provided by a certificated teacher. The certificated
17 teacher responsible for the program shall be online and accessible



1 to the pupil on a daily basis to respond to pupil queries, assign
2 tasks, and dispense information. The course shall be approved by
3 the governing board of the school district.

4 (2) For purposes of this section, an “asynchronous interactivity
5 curriculum” means a curriculum whereby the pupils and teacher
6 interact using online resources, including, but not limited to,
7 discussion boards, Web sites, and e-mail. However, the pupil and
8 teacher need not necessarily be online at the same time.

9 (3) For purposes of this section, “Internet” means the global
10 information system that is logically linked together by a globally
11 unique address space based on the Internet Protocol (IP), or its
12 subsequent extensions, and that is able to support communications
13 using the Transmission Control Protocol/Internet Protocol
14 (TCP/IP) suite, or provides, uses, or makes accessible, either
15 publicly or privately, high level services layered on the
16 communications and related infrastructure described in this
17 paragraph.

18 (b) A pupil participating in an online program pursuant to this
19 section shall not be credited with more than a total of one day of
20 attendance per calendar day or for more than a total of five days
21 of attendance per calendar week.

22 (c) The total number of pupils participating in any given online
23 classroom program pursuant to this section shall not exceed the
24 average class size for similar courses in high schools of the school
25 district offering the online classroom program.

26 (d) A teacher may teach pupils in one or more online courses
27 pursuant to this section only if the teacher concurrently teaches the
28 same course to pupils in a traditional in-classroom setting at the
29 providing high school or has done so previously within the
30 immediately preceding two-year period. The curriculum and
31 activities shall be the same for the online course as for the
32 traditional in-classroom course.

33 (e) Any teacher teaching in an online classroom program shall
34 hold the appropriate credential.

35 (f) *Schoolsites eligible to generate an online course pursuant*
36 *to this section shall apply to the State Department of Education,*
37 *and shall be approved based on a first-come, first-serve basis. No*
38 *more than 40 schoolsites may operate an online course pursuant*
39 *to this section, and no schoolsite may, at any time, offer more than*

1 *one online course. No school district may have more than 5*
2 *schoolsites that operate an online course pursuant to his section.*

3 (g) A school district offering an online course may contract
4 with another school district to provide the online course to pupils
5 of the offering school district. Contract terms shall be determined
6 by mutual agreement of the school districts. School districts that
7 provide online courses pursuant to the contract, shall contract
8 directly with the offering school district and shall not enter into
9 direct contracts with the pupils of the offering school district.

10 ~~(g)~~—

11 (h) Statewide testing results for online pupils shall be reported
12 to the home school district of the pupil.

13 ~~(h)~~—

14 (i) Only high school courses shall be eligible for online
15 classroom programs. School districts may, however, apply for a
16 waiver from the State Board of Education to teach online courses
17 to pupils in additional grade levels, and the state board may grant
18 the waiver.

19 ~~(i)~~—

20 (j) A pupil shall not be assigned to an online course unless the
21 pupil voluntarily elects to participate in the online course. The
22 parent or guardian of the pupil shall provide written consent before
23 the pupil may participate in an online course.

24 ~~(j)~~—

25 (k) A pupil may take up to two online courses per semester
26 provided that the pupil is concurrently enrolled in traditional
27 in-classroom courses. The governing board of a school district
28 may waive this requirement for pupils who are unable to attend
29 regular courses at a schoolsite.

30 ~~(k)~~—

31 (l) A school district that chooses to offer an online course, or
32 to contract pursuant to subdivision (f) to provide an online course,
33 shall develop *and implement* policies addressing all of the
34 following factors: test integrity, evaluation of the online courses
35 including a comparison with traditional in-classroom courses, a
36 procedure for attaining informed consent from both the parent and
37 pupil regarding course enrollment, the teacher selection process,
38 criteria regarding pupil priority for online courses, equity and
39 access in terms of hardware or computer laboratories, teacher
40 training for online teaching, teacher evaluation procedures,



1 criteria for asynchronous learning including the type and
2 frequency of the contact between pupil and teacher, pupil
3 computer skills necessary to take an online course, and the
4 provision of onsite support for online pupils.

5 ~~(t)~~—

6 (m) School districts that provide online classroom programs
7 shall verify that online pupils take examinations by proctor or that
8 other reliable methods are used to ensure test integrity and that
9 there is a clear record of pupil work, using the same method of
10 documentation and assessment as in a traditional in-classroom
11 course.

12 ~~(m)~~—

13 (n) A school district that provides online classroom programs
14 shall maintain records to verify the time that a pupil spends online
15 and related activities in which a pupil is involved. The school
16 district shall also maintain records verifying the time the instructor
17 was online.

18 ~~(n)~~—

19 (o) Minutes of pupil participation in online courses complying
20 with subdivisions (a) to ~~(m)~~(n), inclusive, shall qualify for average
21 daily attendance purposes within the structure of the 240 minute
22 schoolday as set forth in Sections 46113 and 46141. Regional
23 occupational programs may offer or contract with school districts
24 to provide online courses.

25 ~~(o)~~—

26 (p) The purposes of online classroom programs conducted
27 pursuant to this section include all of the following:

28 (1) Providing expanded educational opportunities for pupils
29 attending schools with limited educational offerings.

30 (2) Reaching out to pupils in schools where advanced
31 placement courses are not available.

32 (3) Providing quality educational services in courses for
33 hard-to-staff subject areas in schools where a shortage of teachers
34 make these classes unavailable.

35 (4) Ensuring that courses provided over the Internet are at least
36 as challenging as courses provided in a traditional educational
37 setting.

38 (5) Ensuring high teacher quality for online classroom
39 purposes.

(6) Ensuring pupil testing integrity for online classroom purposes.

(7) Ensuring accountability for the purposes of verifying the active involvement of all pupils participating in courses provided over the Internet.

~~(p)~~—

(q) For each online class provided pursuant to this section, the governing board of a school district shall make findings of compliance with this section, including, but not limited to, the immediate supervision requirement, and shall report those findings to the department.

~~(q)~~—

(r) Notwithstanding any other provision of law, this section does not apply to online courses offered through a program administered by or coordinated through a California public postsecondary educational institution.

~~(r)~~—

(s) *The State Auditor shall perform a financial audit of all online programs operated pursuant to this section. It is the intent of the Legislature that the State Auditor give these audits the highest priority.*

(t) This section shall remain in effect only until January 1, 2008 2006, and, as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2008, deletes or extends that date.

CORRECTIONS

Title — Line 1.